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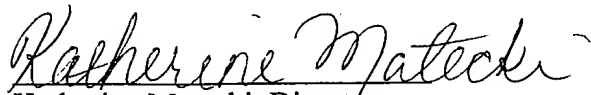
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In re Application: of	:	
Charles Eric Hunter et al.	:	SUA SPONTE WITHDRAWAL
Application No. 09/707,273	:	OF HOLDING
Filed: November 6, 2000	:	OF ABANDONMENT
Attorney Docket No.: 00-0145	:	
For: MUSIC DISTRIBUTION SYSTEMS	:	

A sua sponte review of the above-noted application file has been conducted. As a result, it has been determined that certain errors on the part of the Office have occurred. In particular, it has been determined that the holding of abandonment following the Board decision of February 19, 2009 was premature. The purpose of this communication is to correct this error and clarify the record.

A review of the record reveals that the Board affirmed the examiner in a decision mailed February 19, 2009. Thus began a 2-month period in which review of this Board decision could be sought before either the Court of Appeals for the Federal Circuit or the U.S. District Court for the District of Columbia. Any holding of abandonment by the examiner following the Board decision would not be proper until the time for seeking court review had passed. Unfortunately, the application was prematurely held to be abandoned in a Notice of Abandonment mailed April 27, 2009.

In view of the fact that there is a 2-month period in which an applicant for patent dissatisfied with the Board decision may seek judicial review, the holding of abandonment on April 27, 2009 was improper and premature. Accordingly, the holding of abandonment mailed April 27, 2009 is hereby **VACATED**. The period for seeking judicial review continues to run two (2) months from the date of the Board decision.


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Tb/snm: 5/15/09

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